

Committee Room,
Austin, Texas, April 2, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 240
carefully examined and compared
and find same correctly enrolled.
WESTERFELD, Chairman.

Committee Room,
Austin, Texas, April 6, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No. 435
carefully examined and compared
and find same correctly engrossed.
ROBERTS, Chairman.

FIFTY-THIRD DAY.

(Wednesday, April 7, 1937)

The Senate met at 10 o'clock a. m.,
pursuant to adjournment, and was
called to order by President Woodul.

The roll was called and the follow-
ing Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

The following Senator was absent
and excused:

Brownlee.

A quorum was announced present.

The invocation was offered by the
Chaplain.

Reading of the Journal of the pro-
ceedings of yesterday was dispensed
with, on motion of Senator Roberts.

Leave of Absence Granted.

Senator Brownlee was granted
leave of absence for today, on ac-
count of important business, on mo-
tion of Senator Lemens.

Reports of Standing Committees.

Reports on House Bill No. 47,
and H. J. R. No. 20, were submitted
by the chairmen of the several com-
mittees to which they were referred.
(See appendix for reports in full.)

Senate Bill No. 458 on First Reading.

The following bill, relating to an
emergency matter submitted by the
Governor, was introduced, read first
time and referred to the Committee
on Penitentiaries:

By Senator Collie:

S. B. No. 458, A bill to be entitled
"An Act creating the Board of Par-
dons and Paroles to consist of three
members, in response to the Amend-
ment to Section 11, Article 4, of
the Constitution of the State of
Texas, adopted November 3, 1936,
prescribing its powers, duties and the
procedure before it; providing it may
make other rules of procedure not in
conflict with this Act; providing for
the appointment of its members; pre-
scribing their qualifications, terms of
office, the manner of their removal
from office and filling vacancies; pro-
viding for the appointment of a
chairman by the Governor, defining
his duties and fixing the time he
shall serve as such; fixing the com-
pensation of its members; providing
for the payment of expenses of the
members of the board and its stenog-
raphers when away on official busi-
ness; providing that a majority of
the board shall constitute a quorum;
designating place where the board
shall maintain its offices; creating
the office of executive secretary to
the board, to be appointed by the
board, prescribing his duties and fix-
ing his salary; empowering the Gov-
ernor to appoint non-paid county
parole boards and citing their du-
ties; providing for a parole super-
visor and citing his duties; providing
for probation officers to become pa-
role officers; providing for applica-
tions for clemency, restoration of
citizenship, remission of fines and
forfeitures, or protests against, shall
contain certain information; estab-
lishing the procedure to be followed
before a petition for clemency, pa-
role, remission of fine or forfeiture
may be filed by the secretary of the
board; providing for regular and
special meetings of the board at the
respective penitentiary units; defin-

ing duties of old Board of Pardons and Paroles when members of new board qualify; limiting the power of the Governor to grant reprieves, commutations of punishment, furloughs, pardons, paroles, and the remission of fines and forfeitures; prescribing his duties and power in connection therewith; authorizing the Governor to revoke paroles, furloughs and conditional pardons, either with or without consent of the board; providing and establishing a general system for parole of convicts; declaring who may and who may not be eligible to be considered for parole; providing for the furnishing of clothes, transportation and money to convict at time of parole; providing in certain instances such paroled convicts not to receive any further aid from the Texas Prison Board; declaring that parole is not to be considered clemency; providing for the arrest and retaking of parole violators; providing for compensating peace officers for arresting parole violators and prescribing their duties in connection therewith; prescribing duties of the Texas Prison Board, its general manager, all district judges, county attorneys, district attorneys, district clerks, sheriffs, and other peace officers, the Bureau of Identification, Bureau of Classification, and other officers, bureaus and boards, in connection with matters before the board, or incident thereto; providing that certain communications, reports, and recommendations made to the board, by said officers, bureaus and boards, shall be privileged; making an appropriation to pay salaries of members of the board, its employees, and for the support and maintenance of the board until September 1, 1927; declaring the intent of the Legislature should any part of this Act be unconstitutional; repealing Article 6203, Revised Civil Statutes of 1925, as amended by certain subsequent Acts of the Legislature, and all other laws in conflict herewith; and declaring an emergency."

Point of Order.

Senator Burns raised, and submitted in writing, the following point of order:

Hon. Walter F. Woodul, President of the Senate.

Mr. President: I raise the point of order on S. B. No. 458, that is, the

introduction of the same, because of the fact the same violates Rule 102 and Rule 103 of the Rules of the Senate, wherein it provides that it takes a four-fifths (4/5) majority of the Members of the Senate for the purpose of introducing a bill, and this vote was not taken, and the record shows there was no such vote taken, but that it was introduced under the presumption of a message sent up the early part of this session by Governor Allred, which message related only to the pending bills at that time, which were S. B. No. 1 and S. B. No. 216, and since both of these measures have been killed, one by the Senate and the other by a legislative veto by Governor Allred, which, according to the courts of this State, is a legislative act on the part of the Governor, and since this message pertained to these two bills which have already been killed, it could not apply to this bill introduced by Senator Collie, and therefore under the above rules and Constitution it takes a four-fifths (4/5) majority of the Members of the Senate to introduce said bill by Senator Collie, which was not done.

Respectfully,

GORDON M. BURNS.

The President overruled the point of order, and stated that he did so without committing himself to any particular ruling on a similar point of order if it should be raised at a future time, and that he overruled the point at this time because the bill was not before the Senate for consideration.

Senate Bill No. 459 on First Reading.

The following (local) bill was introduced, read first time and referred to the Committee on Educational Affairs:

By Senator Nelson:

S. B. No. 459, A bill to be entitled "An Act validating all elections and proceedings had in connection with the formation of Andrews Independent School District of Andrews County, Texas; establishing the boundaries of said Andrews Independent School District; providing for the board of trustees; providing that said district shall have and exercise all the rights, powers, privileges and duties conferred and imposed by the General Laws of this State upon the

trustees of independent school districts; and declaring an emergency."

Senate Bill No. 460 on First Reading.

Senator Isbell moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The following bill was then introduced, read first time, and referred by the President to the Committee on Banking:

By Senator Isbell:

S. B. No. 460, A bill to be entitled "An Act amending Article 2832 of Chapter 15, Title 49 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 127, Acts Regular Session, Thirty-ninth Legislature, as amended by Chapter 27, Acts First Called Session, Forty-second Legislature, and as amended by Chapter 133, Acts Regular Session, Forty-third Legislature, and declaring an emergency."

Senate Bill No. 461 on First Reading.

Senator Rawlings moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The following bill was then introduced, read first time, and referred by the President to the Committee on Civil Jurisprudence:

By Senator Rawlings:

S. B. No. 461, A bill to be entitled "An Act amending Article 463 of the Code of Criminal Procedure, 1925, as amended in Section 4, Chapter 143, Acts of Forty-second Legislature, in 1931, relating to the issuance of subpoenas in felony cases pending in district or criminal district courts of this State; providing the manner in which subpoenas shall be applied for, the form and contents of the subpoena, who shall receive the benefits of the subpoena, and how often a subpoena for a witness in a case in counties having a population of 190,000 inhabitants, or less according to the last preceding Federal census may be issued, and how often a subpoena for a witness in a case in counties having a population in excess of 190,000 inhabitants according to the last preceding census may be issued, and declaring an emergency."

Senate Bill No. 4 Set as Special Order.

Senator Davis moved that Senate Bill No. 4, the soil conservation bill, be set as a special order for next Monday, April 12, 1937, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Pace.
Beck.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.

Nays—2.

Isbell.	Nelson.
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Absent—Excused.

Brownlee.

Motion to Set House Bill No. 347 as Special Order.

Senator Spears moved that H. B. No. 347 be set as a special order for next Wednesday, April 14, 1937, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—14.

Burns.	Rawlings.
Cotten.	Shivers.
Hill.	Spears.
Lemens.	Van Zandt.
Moore.	Weinert.
Newton.	Westerfeld.
Pace.	Winfield.

Nays—13.

Aikin.	Redditt.
Collie.	Roberts.
Davis.	Small.
Holbrook.	Stone.
Isbell.	Sulak.
Neal.	Woodruff.
Nelson.	

Absent.

Beck.	Oneal.
Head.	

Absent—Excused.

Brownlee.

Motion to Set Senate Bill No. 7 as Special Order.

Senator Holbrook moved that S. B. No. 7 be set as a special order for next Friday, April 9, 1937, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-third vote):

Yeas—15.

Burns.	Redditt.
Davis.	Roberts.
Hill.	Shivers.
Holbrook.	Small.
Moore.	Stone.
Newton.	Weinert.
Pace.	Winfield.
Rawlings.	

Nays—11.

Aikin.	Spears.
Collie.	Sulak.
Cotten.	Van Zandt.
Isbell.	Westerfeld.
Lemens.	Woodruff.
Nelson.	

Absent.

Beck.	Neal.
Head.	Oneal.

Absent—Excused.

Brownlee.

Senate Bill No. 306 Set as Special Order.

Senator Holbrook moved that S. B. No. 306 be set as a special order for next Friday, April 9, 1937, immediately after conclusion of the morning call on that day.

(Senator Collie in the Chair.)

The motion prevailed by the following vote:

Yeas—18.

Aikin.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Lemens.	Van Zandt.
Moore.	Weinert.
Pace.	Winfield.

Nays—8.

Burns.	Spears.
Isbell.	Sulak.
Nelson.	Westerfeld.
Newton.	Woodruff.

Absent.

Beck.	Neal.
Head.	Oneal.

Absent—Excused.

Brownlee.

Senate Bill No. 462 on First Reading.

Senator Cotten moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

The following bill was then introduced, read first time, and referred by the President to the Committee on Civil Jurisprudence:

By Senator Cotten:

S. B. No. 462, A bill to be entitled "An Act amending Article 3832, Title 57, 1925, Revised Civil Statutes of the State of Texas, adding thereto other forms and kinds of personal property that shall be reserved to every family, exempt from attachment or execution and every other species of forced sale for the pay-

ment of debts, and declaring an emergency."

Senate Bill No. 45 Set as Special Order.

Senator Van Zandt moved that S. B. No. 45 be set as a special order for next Friday, April 9, 1937, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—17.

Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Holbrook.	Spears.
Lemens.	Stone.
Moore.	Van Zandt.
Pace.	Weinert.
Rawlings.	Woodruff.
Redditt.	

Nays—7.

Aikin.	Sulak.
Hill.	Westerfeld.
Nelson.	Winfield.
Newton.	

Absent.

Beck.	Isbell.
Burns.	Neal.
Head.	Oneal.

Absent—Excused.

Brownlee.

Senate Bill No. 122 Set as Special Order.

Senator Shivers moved that S. B. No. 122 be set as a special order for next Monday, April 12, 1937, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—27.

Aikin.	Neal.
Burns.	Newton.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Rawlings.
Hill.	Redditt.
Holbrook.	Roberts.
Isbell.	Shivers.
Lemens.	Small.
Moore.	Spears.

Stone. Westerfeld.
Sulak. Winfield.
Van Zandt. Woodruff.
Weinert.

Nays—1.

Nelson.

Absent.

Beck.

Head.

Absent—Excused.

Brownlee.

Senate Bill No. 124 Set as Special Order.

Senator Shivers moved that S. B. No. 124 be set as a special order for next Monday, April 12, 1937, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Brownlee.

Senate Bill No. 195 Set as Special Order.

Senator Woodruff moved that S. B. No. 195 be set as a special order for April 13, 1937, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—18.

Aikin.	Holbrook.
Collie.	Lemens.
Cotten.	Moore.
Davis.	Newton.
Head.	Rawlings.

Roberts.	Sulak.
Shivers.	Weinert.
Spears.	Winfield.
Stone.	Woodruff.

Nays—7.

Burns.	Pace.
Hill.	Van Zandt.
Isbell.	Westerfeld.
Nelson.	

Absent.

Beck.	Redditt.
Neal.	Small.
Oneal.	

Absent—Excused.

Brownlee.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 7, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 23, A bill to be entitled "An Act to amend S. B. 29, Chap. 13, Sec. 8, Fourth Called Session, Forty-first Legislature, and declaring an emergency."

H. B. No. 26, A bill to be entitled "An Act permitting abutting property owners along the public roads and highways of this State to cut any grass or grasses, and to cut or destroy any obnoxious weed and/or weeds growing along the right-of-way of any public road or highway of this State."

H. B. No. 55, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes, so as to provide for the payment of salaries of the county board of trustees out of the State and county available school fund, and declaring an emergency."

H. B. No. 97, A bill to be entitled "An Act amending Article 3810 of the Revised Civil Statutes of the State of Texas, 1925, providing for notices of sale of real estate under deeds of trust, manner of giving notice, contents of same, affidavit of mailing notice, place of sale; provid-

ing for setting aside sale, repealing all laws in conflict, and declaring an emergency."

H. B. No. 146, A bill to be entitled "An Act amending Article 5142 of the Revised Civil Statutes of 1925, as amended by the Acts of 1927, Fortieth Legislature, Chapter 228; providing for juvenile officers; providing for their selection, compensation, expenses, and prescribing their duties; providing for their assistants; providing all things necessary and incident to the main purpose of this Act, and declaring an emergency."

H. B. No. 377, A bill to be entitled "An Act amending Section 6 of Article III of H. B. No. 8, Acts, Forty-fourth Legislature, Third Called Session, exempting from taxation any admission, all proceeds of which inure exclusively to the benefit of State, religious, educational or charitable institutions, organizations, or societies, and declaring an emergency."

H. B. No. 404, A bill to be entitled "An Act granting to C. A. Gindratt and wife, their heirs and assigns, permission to bring suit against the State of Texas and the State Highway Department in the District Court of Leon County, Texas, for damages alleged to have been sustained to certain real property of the said C. A. Gindratt and wife, by reason of the construction of State Highway Number 75; providing that such suit may be filed within two (2) years after the effective date of this Act; providing for the method of serving process and for procedure governing the trial and determination of such suit; making an appropriation, and declaring an emergency."

H. B. No. 483, A bill to be entitled "An Act to amend Section 7, of Chapter 62, pages 131-133, of the General and Special Laws of the State of Texas passed by the Forty-third Legislature at its Second Called Session, 1934, of the State of Texas; to further define a nuisance and provide for the punishment of certain persons and peace officers and organizations who knowingly permit and accept receipts from any contest enumerated and referred to in said Chapter 62, and declaring an emergency."

H. B. No. 499, A bill to be entitled "An Act amending Article I, Chapter 467, Section 24 of the Acts of the Forty-fourth Legislature, 1935, Sec-

ond Called Session, so as to extend the provisions thereof to authorize cities to prohibit by their charters, the sale of liquors and beer in their residence sections, or any other part thereof and that same shall be valid and remain in force and effect until such time as the charter provisions may be repealed or amended; and by adding thereto a section to be known as Section 24b; providing a penalty against all persons who shall sell liquors or beer in districts in cities in which the same has been prohibited; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 526, A bill to be entitled "An Act amending Section 1 of House Bill 247, Chapter 44, Acts of the Regular Session of the Forty-third Legislature as amended by Chapter 240, Acts of the Regular Session of the Forty-fourth Legislature, providing that offenses committed or prosecution begun under pre-existing laws may be conducted under the law as it existed at the time the offense was committed; providing that if any part of this Act shall be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions thereof, and declaring an emergency."

H. B. No. 527, A bill to be entitled "An Act amending Article 1104 of the Penal Code as amended by the Regular Session of the Forty-fourth Legislature, Chapter 154, General and Special Laws of 1935, and declaring an emergency."

H. B. No. 561, A bill to be entitled "An Act to define and fix the limits and jurisdiction of the Nineteenth, Fifty-fourth and Seventy-fourth District Courts and to provide for the terms thereof and the procedure to be followed therein in certain particulars; to provide for the judges of said courts to exchange benches, authorizing either of said judges to sit in either of said courts; authorizing the transfer of a case from either of said courts to another one thereof; to provide for the filing of pleadings in said courts in duplicate and for the safe keeping and withdrawal of the original copy of the pleading so filed upon proper showing; to provide for and limit the filing of motions and amended motions for new trial in said courts; and providing that if any part of this Act is held unconstitutional, the valid portion of

the same was intended to be enacted."

H. B. No. 647, A bill to be entitled "An Act granting permission to Mrs. Cora Mills, Mrs. Elzine Kinsey and husband, Loyd Kinsey, and Mrs. Marie Fouts and husband, Aubrey Fouts, to bring suit against the State of Texas and/or Highway Department of the State of Texas, in a court of competent jurisdiction for damages for personal injuries received by Ed Mills which said injuries are alleged to have resulted in his death, and which said injuries were received by the said Ed Mills while on duty in the employ of the State Highway Department of the State of Texas; providing that any judgment recovered be paid out of the funds of the Highway Department of the State of Texas; providing that if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

H. B. No. 648, A bill to be entitled "An Act granting permission to W. M. Rosseau to bring suit against the State of Texas, and/or Highway Department, in a court of competent jurisdiction, for damages for personal injuries received by him while on duty in the employ of the Highway Department of the State of Texas, and which injuries are alleged to have produced damages to the said W. M. Rosseau, providing that any judgment so recovered to be paid out of the funds of the Highway Department of the State of Texas; providing that if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency."

H. B. No. 666, A bill to be entitled "An Act amending Article 3410 of the Revised Civil Statutes of the State of Texas of 1925, providing in addition to the requirements of Article 3410, for the filing by the administrator or executor of an estate a list of claims owing by the estate, and declaring an emergency."

H. B. No. 1027, A bill to be entitled "An Act amending Article 7261 by transferring the duty of certifying to the correctness of the report of the county collector from the county clerk to the county auditor in those counties having a county auditor, and declaring an emergency."

H. B. No. 1028, A bill to be entitled "An Act prohibiting the taking of

certain fish in the waters of Travis County during the months of February, March and April; providing means, methods and devices for taking fish; providing size limits, bag limits and possession limits; permitting the use of seines and nets for certain species; prohibiting the sale, or the taking for the purpose of selling, of any fish taken from the waters of Travis County; providing a penalty for violation of this Act; repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 1029, A bill to be entitled "An Act amending Article 3902 as amended by Acts, 1935, Forty-fourth Legislature, Second Called Session, page 1762, by adding thereto another section to be designated as Section 7, providing that in counties of a population bracket of not less than 39,496 and not more than 40,000 first assistant county attorneys shall receive a salary of from \$1,620.00 to \$1,920.00 per annum, to be determined by the commissioners' court, and declaring an emergency."

H. B. No. 671, A bill to be entitled "An Act creating the Coastal Division of Game, Fish and Oyster Commission; giving the power and making it the duty of the Game, Fish and Oyster Commission to appoint an executive officer for the division; providing that it may perform its duties through said officer; providing for an Assistant Director of Coastal Division; providing the amount of compensation to be paid the director and assistant director; providing that the Legislature set the maximum amount to be paid other employees of the division; providing for bonds for employees of Coastal Division; appropriating the Fish and Oyster Fund; providing the effective date of the Act; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 677, A bill to be entitled "An Act to amend Article 3137 of the Revised Civil Statutes of Texas changing the date of the canvassing the returns of the primary elections by the State Executive Committee, and declaring an emergency."

H. B. No. 759, A bill to be entitled "An Act defining a wholesale fur buyer, a retail fur buyer and a trapper; providing licenses for those

engaged in such business and defining the privileges granted under such licenses; providing for the disposition of funds collected from the sale of such licenses; repealing all laws in conflict with this Act, and specifically that portion of the law of this State requiring a tax receipt tag to be attached to the pelts of fur-bearing animals; providing a suitable penalty for violation of any provision of this Act, and declaring an emergency."

H. B. No. 770, A bill to be entitled "An Act to prevent the cancellation of a contract for the retail sale of automobiles entered into after the passage of this Act, and declaring an emergency."

H. B. No. 772, A bill to be entitled "An Act amending Section 9 of Chapter 101 of the General and Special Laws of the First Called Session of the Forty-third Legislature, being House Bill No. 31 and as amended by Chapter 346 of the General and Special Laws of the Regular Session of the Forty-fourth Legislature, being House Bill 991; providing the method of disbursement of the funds of such fireman, policeman, and fire alarm operator's pension fund, the section of said Acts so amended hereinafter set out, and declaring an emergency."

H. B. No. 823, A bill to be entitled "An Act to amend Section 1, of Chapter 473, page 1866, Second Called Session, Forty-fourth Legislature, by removing the population classification therefrom, and declaring an emergency."

H. B. No. 896, A bill to be entitled "An Act making it unlawful to use any seine, net, gill net, trot line or other mechanical or physical device, except hook and line, for the purpose of fishing within the waters of certain navigation districts in Texas; providing that possession of such devices on the right-of-way or lands or premises of such navigation districts shall constitute prima facie proof of guilt; providing for the punishment of persons violating the provisions hereof, and declaring an emergency."

H. B. No. 932, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a taxable valuation of not less than Forty-seven Million, One Hundred Thousand (\$47,100,000.00) Dollars nor

more than Forty-eight Million, One Hundred Thousand (\$48,100,000.00) Dollars taxable valuation according to the valuation as shown on the county tax assessor's rolls for county purposes, and providing for payment of such salaries and the funds from which such salaries shall be paid and repeal all laws in conflict herewith, and declaring an emergency."

H. B. No. 958, A bill to be entitled "An Act providing for a closed season on the killing or possession of squirrels in the counties of Polk, Trinity, Angelina, Nacogdoches, Sabine, Jasper, San Jacinto, Houston, Tyler, Liberty and Hardin, from the first day of January of each year through and including the 30th day of September of each year; providing for a bag limit of not more than five (5) squirrels that may be taken, killed or possessed in said counties in any one day and a limit of not exceeding fifteen (15) squirrels in any one week; prescribing the penalties for the violation of any provision of this Act, repealing any provision of any law in conflict herewith, and declaring an emergency."

(With engrossed rider.)

H. B. No. 943, A bill to be entitled "An Act to amend Article IV of Chapter 495, Acts of the Forty-fourth Legislature, Third Called Session, by adding a new section to be inserted immediately following Section 9 thereof, which new section shall be known and cited as Section 9A providing that tax on notes and secured obligation shall be levied on only one of several contemporaneous instruments securing the same obligation, provided such shall be upon the instrument of greatest denomination, provided said exemption shall not apply to subsequent instruments securing said obligation, repealing all laws and parts of law in conflict herewith, and declaring an emergency."

(With engrossed rider.)

H. B. No. 625, A bill to be entitled "An Act amending Article 5449, 1925 Civil Statutes, as amended by Chapter 291, of the General Laws of the Regular Session of the Forty-fourth Legislature, so as to provide that when any abstract of judgment has been recorded it shall, from the date of such record and index, operate as a lien upon all of the real estate of

the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county, said lien to continue for four years from the date of such record and index, except that if during said four-year period the judgment becomes dormant said lien shall thereupon cease to exist, and so as to provide that the lien of any judgment so recorded and indexed prior to the effective date of this Act, if then valid, shall continue for four years from the effective date of this Act, except that if during said four years the judgment becomes dormant said lien shall thereupon cease to exist, and declaring an emergency."

(With engrossed rider.)

H. B. No. 627, A bill to be entitled "An Act creating a closed season upon wild deer buck, doe or fawn for a period of five (5) years in the county of Polk, in the State of Texas; making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild deer, buck, doe or fawn within said county, for a period of five (5) years; providing a penalty therefor, and declaring an emergency."

(With engrossed rider.)

H. B. No. 980, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill any wild deer, buck, doe, fawn or wild turkey in the counties of Leon, Madison, Robinson, Brazos and Freestone; prescribing a penalty, and declaring an emergency."

H. B. No. 982, A bill to be entitled "An Act amending Section 1 of Chapter 129, page 356, Acts of the Regular Session of the Forty-fourth Legislature; repealing all laws or parts of laws, in conflict herewith, and declaring an emergency."

H. B. No. 1004, A bill to be entitled "An Act providing that the commissioners' court of any county wherein the United States Government has or shall hereafter purchase at least twenty-five (25%) per cent in area of the land in said county for reforestation and other purposes, may, with the consent of the Board of County and District Road Indebted-

ness and the holders of at least eighty (80%) per cent of the bonds hereinafter described, refund, under the provisions of existing law, the road bonds of any such county or of any road district or political subdivision thereof; etc., and declaring an emergency."

H. B. No. 1009, A bill to be entitled "An Act to authorize the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of the El Paso irrigated valley in the State of Texas for the purpose of making scientific investigations and experiments in the production of cotton, alfalfa, and farm crops, etc., and declaring an emergency."

H. B. No. 1021, A bill to be entitled "An Act fixing and limiting expenses of candidates for Representative in the State Legislature in primary election in counties of more than 300,000 inhabitants, according to the last preceding Federal census; etc., and repealing all laws in conflict with the provisions of this Act, but not otherwise."

(With engrossed rider.)

H. B. No. 1023, A bill to be entitled "An Act creating a special road law for Jeff Davis County, Texas, providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund as of February 1, 1937, setting forth the method of operation; validating all acts and proceedings heretofore had by the commissioners' court of said county and officers thereof in respect to the funding or refunding of said indebtedness; validating certain items of indebtedness heretofore authorized by said commissioners' court; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding and refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject, and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

H. B. No. 600, A bill to be entitled "An Act to amend Chapter 350, Acts of Forty-fourth Legislature, being the rural aid appropriation, by providing additional appropriation for carrying out provisions of said Act."

repealing all conflicting laws, and declaring an emergency."

H. J. R. No. 23, Proposing an amendment to the Constitution of the State of Texas to be known as Article VIII, Section 20, providing that ad valorem taxes shall be assessed and levied in such way as to permit the payment during the months of October, November and December of the year for which such taxes are assessed, of certain percentages of the amount that such taxes would be if paid after the expiration of the year and providing that the Legislature shall never remit any interest or penalties; providing for an election on the question of adoption or revocation and making an appropriation therefor; providing for the proclamation and publication thereof; prescribing the form of ballot.

The House has concurred in Senate amendments to House Bill No. 258 by a vote of 138 yeas, 1 nay.

The House has laid on the table, by a viva voce vote, the following bill:

H. B. No. 778, A bill to be entitled "An Act providing for the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal census; making this Act cumulative of all General Laws on the same subject, such General Laws to apply except in case of conflict when the provisions of this Act shall control, and declaring an emergency."

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 261.

Messrs. Reed of Dallas, Mays, Keith, Mann, Farmer.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motion to Set House Bill No. 53 as Special Order.

Senator Hill moved that H. B. No. 53 be set as a special order for 10:30 o'clock a. m. tomorrow.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—12.

Aikin.	Lemens.
Burns.	Nelson.
Collie.	Newton.
Cotten.	Oneal.
Hill.	Van Zandt.
Isbell.	Woodruff.

Nays—12.

Holbrook.	Small.
Moore.	Spears.
Pace.	Stone.
Rawlings.	Sulak.
Roberts.	Weinert.
Shivers.	Winfield.

Absent.

Beck.	Redditt.
Head.	Westerfeld.
Neal.	

Paired.

Senator Davis (present), who would vote yea with Senator Brownlee (absent), who would vote nay.

Senate Bill No. 231 Set as Special Order.

Senator Pace moved that S. B. No. 231 be set as a special order for next Friday, April 9, 1937, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—18.

Beck.	Rawlings.
Burns.	Small.
Collie.	Spears.
Cotten.	Stone.
Davis.	Van Zandt.
Hill.	Weinert.
Isbell.	Westerfeld.
Oneal.	Winfield.
Pace.	Woodruff.

Nays—7.

Aikin.	Roberts.
Holbrook.	Shivers.
Moore.	Sulak.
Newton.	

Present—Not Voting.

Lemens.	Nelson.
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Absent.

Head.	Redditt.
Neal.	

Absent—Excused.

Brownlee.

Senate Bill No. 308 Set as Special Order.

Senator Winfield moved that S. B. No. 308 be set as a special order for Monday, April 19, 1937, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—21.

Beck.	Rawlings.
Collie.	Redditt.
Cotten.	Shivers.
Davis.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Pace.	

Nays—5.

Aikin.	Roberts.
Burns.	Sulak.
Oneal.	

Absent.

Head.	Neal.
Hill.	Small.

Absent—Excused.

Brownlee.

Conference Committee on House Bill No. 67.

The President announced the appointment of the following free conference committee on part of the Senate on H. B. No. 67:

Senators Burns, Weinert, Davis, Rawlings and Small.

Senate Bill No. 181 Set as Special Order.

Senator Nelson moved that S. B. No. 181 be set as a special order for next Monday, April 12, 1937, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Collie.
Beck.	Cotten.
Burns.	Davis.

Head.

Hill.

Holbrook.

Isbell.

Lemens.

Moore.

Neal.

Nelson.

Newton.

Oneal.

Pace.

Rawlings.

Redditt.

Roberts.

Shivers.

Small.

Spears.

Stone.

Sulak.

Van Zandt.

Weinert.

Westerfeld.

Winfield.

Woodruff.

Absent—Excused.

Brownlee.

Senate Joint Resolution No. 5 on Second Reading.

The President laid before the Senate, on its second reading and passage to engrossment:

S. J. R. No. 5, proposing an Amendment of Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pension and/or Assistance not to exceed Fifteen Dollars (\$15) per person per month to actual bona fide residents of the State of Texas, over the age of sixty five years, excluding therefrom habitual criminals, habitual drunkards and inmates of a state supported institution; providing for the length of time of actual residence by applicants within the State of Texas; authorizing the Legislature to accept financial assistance from the United States Government for Old Age Pensions and/or Assistance; levying a two per cent occupation tax on persons engaged in the business of making retail sales of goods, wares, merchandise and commodities including the gross receipts of places of amusement; creating a Special Old Age Pension and/or Assistance Fund or funds and providing that same shall never be diverted; providing that said fund shall be prorated to the aged of this state without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms, to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication and election.

The resolution was read second time.

Senator Sulak offered the following amendments to the resolution:

(1)

Amend S. J. R. No. 5, by adding at the end of the first paragraph of Section One (1) the following:

"; provided that no pension shall ever be paid to any person not a citizen of the United States who has entered this country after the adoption of this amendment.

(2)

Amend S. J. R. No. 5 by striking out in Line 47, Page 1, the words: "an occupation" and insert in line thereof: "a sales"

(3)

Amend S. J. R. No. 5 by adding at end of Line 6, on page 2., the figures 28, and in line 7, Page 2, between the words "of" and "A. D. 1937" the word "August"

(4)

Amend caption of S. J. R. No. 5 to conform with the body of the resolution.

The amendments were adopted severally.

Pending further consideration of the resolution, Senator Winfield occupied the Chair temporarily.

(President in the Chair.)

Senator Weinert offered the following amendment to the resolution:

Amend S. J. R. No. 5 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 51-b of Article III of the Constitution of the State of Texas be so amended as to hereafter read as follows:

Sec. 51-b. The Legislature shall provide for Old Age Assistance and for the equal payment of same not to exceed Fifteen (\$15.00) Dollars per month each to actual bona fide citizens of the State of Texas who are over the age of sixty-five (65) years; provided that no habitual criminal, nor no habitual drunkard while such habitual drunkard, nor no inmate of any State supported institution, while such inmate, shall be eligible for such Old Age Insurance;

provided further that the requirements for length of time of actual residence in Texas shall never be less than five (5) years during the nine years immediately preceding the application for Old Age Insurance and continuously for one year immediately preceding such application.

The Legislature shall have the authority to accept from the Government of the United States such financial aid for Old Age Assistance as that Government may offer not inconsistent with the restrictions hereinbefore provided.

There is hereby levied a retail sales tax of two per cent. The term "retail sale" shall mean the sale or transfer of any goods, wares, merchandise, or tangible personal property for a valuable consideration within this State when such transfer is made by one in the ordinary course of his business and the sale is made for consumption or use, or for any purpose other than for resale, or for use in processing, manufacturing or industrial enterprises. The term "retail sale" shall not include the isolated or occasional sale of tangible personal property by a person not engaging in the retail business, nor goods or products sold by the actual producer, nor if the thing sold is purchased for resale by the buyer in the ordinary course of his business, nor if it is to be used or consumed by a manufacturing, industrial or processing business in creating other goods, wares, merchandise or services for sale to the public. Conditional sales are included within this definition when in other respects such sales meet the test of a retail sale.

The assistance herein provided for, together with all administrative expense thereof, shall be paid solely out of the funds derived from the tax herein provided for and the Legislature shall not hereafter have the authority to make any appropriation out of any other funds for the support or maintenance of Old Age Assistance. No political sub-division of this State shall have authority to levy any occupation tax by virtue of this amendment.

The retail sales tax hereby levied shall be paid by the buyers at such retail sales but shall be collected by the sellers at such retail sales under the terms and in the manner as may

hereafter be provided for by the Legislature.

Sec. 2. The foregoing Constitutional Amendment shall be submitted to the qualified electors of the State of Texas on the fourth Saturday in August, 1937, at which election there shall be printed on such ballot the following words:

"For the amendment giving Legislature the power to provide for the payment of Old Age Assistance not to exceed Fifteen (\$15.00) Dollars per month per person and to accept financial aid from the Government of the United States, and provide a 2% sales tax in order to create a fund from which to pay such insurance.

"Against the amendment giving the Legislature the power to provide for the payment of Old Age Assistance not to exceed Fifteen (\$15.00) Dollars per month per person and to accept financial aid from the Government of the United States, and provide a 2% sales tax in order to create a fund from which to pay such insurance."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment the same shall become a part of the State Constitution.

Sec. 3. The Governor shall issue the necessary proclamation for such election and shall have the same published and such election held as provided by the Constitution and the laws of this State.

Sec. 4. The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of the funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of such publication and election.

Pending consideration of the amendment, Senator Redditt occupied the Chair temporarily.

(President in the Chair.)

Senator Oneal offered the following substitute for the amendment:

Amend S. J. R. No. 5 by striking out all of Section 1 after the word "follows" in the second line of said section and inserting in lieu thereof the following:

"The Legislature shall, by general law, provide for Old Age Assistance

and for the payment of same not to exceed Fifteen (\$15.00) Dollars per month to actual bona fide citizens of Texas who are over the age of sixty-five years; provided that no habitual criminal, and no habitual drunkard while such habitual drunkard, and no inmate of any State supported institution, while such inmate, shall be eligible for such Old Age Assistance; provided further that the requirements for length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for Old Age Assistance and continuously for one year immediately preceding such application.

"For the purposes of paying Old Age Assistance the Legislature shall levy against all persons, companies, firms, partnerships, corporations, and unincorporated companies or associations engaged in the business of retail sales of tangible personal property, or engaged in the business of conducting places of amusement of any kind and character, a sales tax not to exceed two (2%) per centum of the gross sales so made in the retail trade and of the gross receipts of such places of amusement; provided that the tax shall not be levied as to sales of motor fuel, tobacco and tobacco products, spirituous, vinous or malt liquors, textbooks for actual use in the class rooms of the public schools and other educational institutions, nor as to sales to the State, towns and cities, school districts and other political subdivisions of the State, nor as to sales of agricultural products by the actual producer, nor as to sales by organization for the benefit of charitable, religious or educational purposes; provided, further, that the tax as to gross receipts of all places of amusement shall not be levied as to the gross receipts from performances the net proceeds of which go to charitable, religious or educational purposes.

"All such occupation taxes so levied and collected shall constitute a special fund or funds and shall never be diverted to any other purposes than the payment of Old Age Assistance, and no greater tax shall be levied than will be sufficient to pay Fifteen (\$15.00) Dollars per month to all persons entitled to such Old Age Assistance and necessary costs

of administration. All funds derived from such tax in excess of necessary costs of administration shall be distributed pro rata to the aged of this State who meet the foregoing requirements without regard to the previous standard of living of the applicant and without regard to income or other restrictions than those herein specifically provided. The Legislature shall forthwith enact laws necessary to carry into effect the provisions of this enactment, and shall set up the machinery to administer said law and shall make such appropriations out of the special fund or funds herein created as are necessary for the administration of the same. There shall never be levied in this State a sales tax or gross receipts tax on the sales herein provided to be taxed other than the one herein provided for.

"The Legislature shall have the authority to accept from the Government of the United States such financial aid for Old Age Assistance as that Government may offer not inconsistent with the restrictions heretofore provided."

Question—Shall the substitute be adopted?

On motion of Senator Weinert, the resolution was tabled subject to call.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 7, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on H. B. No. 150 by a vote of 127 yeas and 0 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 158 on Second Reading.

The President laid before the Senate, as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 158, A bill to be entitled "An Act granting and donating to each respective county of this State

for a period of five years beginning with the taxable year 1927, all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the county treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said assessor and collector to forward a duplicate copy of the receipt given him by county treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

The bill was read second time.

Senator Holbrook offered the following amendment to the bill:

Amend H. B. No. 158 by striking out Section 1 thereof and inserting in lieu thereof the following:

Section 1. That for a period of five (5) years beginning with the taxable year 1937, there is hereby donated and granted by the State of Texas to each respective county of this State, all of the State ad valorem taxes collected for General Revenue purposes upon the property and from the persons in each respective county, not heretofore donated or granted by the State of Texas to any county, city, district, or other political subdivision of the State, including ad valorem taxes on the rolling stock belonging to railroad companies, which shall be ascertained and apportioned as now provided by law. Said taxes so collected in each respective county shall be used by the county commissioners court of said

county for the following purposes: constructing flood control works and improvements in said county, for improvements to prevent soil erosion and for soil conservation purposes, for irrigation and drainage projects reforestation, road building, and any other constitutional purposes. The taxes hereby donated shall be levied and assessed and collected as now provided by law except that the assessor and collector of taxes in each respective county shall forward his reports to the Comptroller of Public Accounts as provided by law and shall pay over to the treasurer of the county all moneys collected by him at the end of each month and during the period covered by this donation, except such amounts as now allowed by law for assessing and collecting the same and shall forward a duplicate copy of the receipt given him by the county treasurer for said money to the Comptroller. This Act shall not apply to those cities, counties, or other political subdivisions of this State which are now receiving or will receive a donation and grant of ad valorem taxes by virtue of any bill passed before the effective date of this bill; provided, however, that if the donation and grant of ad valorem taxes now being received, or which will be received by virtue of any bill passed before the effective date of this Act, by any city, county, or other political subdivision shall expire before the expiration date of this bill, then the provisions of this bill shall apply to said cities, counties, or other political subdivisions for a period of time equal to the difference between the time the donation and grant, now being received, or to be received, expires and the expiration date of this bill. Provided, further, that during the tenure of this Act the automatic tax board is hereby empowered and expressly instructed to set the State ad valorem rate for General Revenue purposes at a rate of not less than thirty (30) cents per hundred dollars of assessed value. Before any funds herein donated or diverted to any county shall be expended by the commissioners court of such county, a referendum shall be had by referring the matter to the qualified voters of the county, and if such referendum fails said court shall be required to reduce the tax rate for general purposes in such county in proportion to

the amount of such State taxes so donated or diverted.

Question—Shall the amendment be adopted?

House Bills and Joint Resolution on First Reading.

The following bills and joint resolution, received from the House today, were laid before the Senate, read first time, and referred to appropriate committees, as indicated:

H. B. No. 1023, to Committee on State Highways and Motor Traffic.

H. B. No. 1027, to Committee on Counties and County Boundaries.

H. B., No. 1028, to Committee on Game and Fish.

H. B. No. 1029, to Committee on Counties and County Boundaries.

H. B. No. 958, to Committee on Game and Fish.

H. B. No. 943, to Committee on State Affairs.

H. B. No. 896, to Committee on Game and Fish.

H. B. No. 932, to Committee on Counties and County Boundaries.

H. B. No. 625, to Committee on Civil Jurisprudence.

H. B. No. 627, to Committee on Game and Fish.

H. B. No. 980, to Committee on Game and Fish.

H. B. No. 982, to Committee on Privileges and Elections.

H. B. No. 1004, to Committee on Counties and County Boundaries.

H. B. No. 1009, to Committee on Finance.

H. B. No. 1021, to Committee on Privileges and Elections.

H. B. No. 770, to Committee on Civil Jurisprudence.

H. B. No. 772, to Committee on State Affairs.

H. B. No. 823, to Committee on Civil Jurisprudence.

H. B. No. 648, to Committee on State Affairs.

H. B. No. 666, to Committee on Civil Jurisprudence.

H. B. No. 671, to Committee on Game and Fish.

H. B. No. 677, to Committee on Privileges and Elections.

H. B. No. 759, to Committee on Game and Fish.

H. B. No. 499, to Committee on Criminal Jurisprudence.

H. B. No. 526, to Committee on Criminal Jurisprudence.

H. B. No. 527, to Committee on Criminal Jurisprudence.

H. B. No. 561, to Committee on Judicial Districts.

H. B. No. 647, to Committee on State Affairs.

H. B. No. 97, to Committee on Civil Jurisprudence.

F. B. No. 55, to Committee on Civil Jurisprudence.

H. B. No. 146, to Committee on Counties and County Boundaries.

H. B. No. 26, to Committee on State Highways and Motor Traffic.

H. B. No. 23, to Committee on Public Lands and Land Office.

H. B. No. 377, to Committee on State Affairs.

H. B. No. 404, to Committee on State Affairs.

H. B. No. 483, to Committee on Criminal Jurisprudence.

H. B. No. 600, to Committee on Finance.

H. J. R. No. 23, to Committee on Constitutional Amendments.

Time Set for Committee Meeting.

Senator Rawlings asked unanimous consent of the Senate that the time for the next regular meeting of the Committee on State Highways and Motor Traffic be set for tomorrow at 7:30 o'clock p. m.

There was no objection offered, and it was so ordered.

Adjournment.

Senator Van Zandt moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Senator Hill moved that the Senate recess to 2:00 o'clock p. m., today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—17.

Beck.	Shivers.
Cotten.	Small.
Head.	Spears.
Isbell.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Pace.	Weinert.
Rawlings.	Winfield.
Newton.	

Nays—11.

Aikin.	Nelson.
Collie.	Oneal.
Davis.	Roberts.
Hill.	Westerfeld.
Holbrook.	Woodruff.
Lemens.	

Absent.

Burns.	Redditt.
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Absent—Excused.

Brownlee.

The Senate, accordingly, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX.

Bills Filed in Department of State.

Austin, Texas, April 6, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature, which were filed in this office Monday, April 5, 1937:

S. B. No. 323:

Vote in Senate, yeas 29, nays 0.

Vote in House, yeas 111, nays 0.

Date signed by the Governor, April 2, 1937.

S. B. No. 422:

Vote in Senate, yeas 31, nays 0.

Vote in House, yeas 102, nays 0.

Date signed by the Governor, April 5, 1937.

H. B. No. 353:

Vote in Senate, yeas 23, nays 7.

Vote in House, yeas 118, nays 12.

Date signed by the Governor, April 5, 1937.

H. B. No. 563:

Vote in Senate, yeas 27, nays 0.

Vote in House, yeas 114, nays 1.

Date signed by the Governor, April 5, 1937.

Assuring you of my sincere pleasure in performing this service, I am

Yours very truly,

EDWARD CLARK,
Secretary of State.

By M. E. Sandlin,
Assistant Secretary of State.

Reports of Standing Committees.

Committee Room,

Austin, Texas, April 7, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 47, A bill to be entitled "An Act providing for the repeal of Senate Bill No. 294 and known as Chapter 64 at page 152 of the General Laws of the Regular Session of the Forty-fourth Legislature, wherein it was provided that school trustees in independent school districts having within their boundaries a city with a population of not less than one hundred and sixty thousand (160,000), nor more than two hundred and twenty thousand (220,000), should be elected for a period of six (6) years; and providing among other things for the filling of vacancies and the holding of elections; repealing all laws and parts of laws, general or special, in conflict with that Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, by that the committee substitute hereto attached do pass in lieu thereof and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, April 5, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 20, Proposing an amendment to Article XVI, Section 1, of the Constitution of the State of Texas; changing the form of the oath of office for members of the Legislature and all offices of the State of Texas; providing for an election upon such constitutional amendment, and making an appropriation therefor.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 20 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 103 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 87 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 377 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 375 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 106 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, April 6, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 365 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 6, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 453 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 6, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 222 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 6, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 452 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, April 6, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 343 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

FIFTY-FOURTH DAY.

(Thursday, April 8, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin.	Isbell.
Beck.	Lemens.
Burns.	Moore.
Collie.	Neal.
Cotten.	Nelson.
Davis.	Newton.
Head.	Oneal.
Hill.	Pace.
Holbrook.	Rawlings.

Redditt.	Sulak.
Roberts.	Van Zandt.
Shivers.	Weinert.
Small.	Westerfeld.
Spears.	Winfield.
Stone.	Woodruff.

The following Senator was absent and excused:

Brownlee.

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with on motion of Senator Aikin.

Leave of Absence Granted.

Senator Brownlee was granted leave of absence for today on account of important business, on motion of Senator Lemens.

Reports of Standing Committees.

Reports on Senate Bill No. 463, on House Bills Nos. 932, 146, 759 and 980 were submitted by the Chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 8, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on House Bill No. 321 by a vote of 111 yeas, 1 nay.

The House has concurred in Senate amendments to House Bill No. 721 by a vote of 114 yeas, 1 nay.

The House has concurred in Senate amendments to House Bill No. 796 by a vote of 122 yeas, 1 nay.

The House has concurred in Senate amendments to House Bill No. 122 by a vote of 114 yeas, 1 nay.

The House has passed the following bills:

S. B. No. 12, A bill to be entitled "An Act creating the Motor Transportation Division of the Railroad Commission; providing for the appointment of the members and a chairman thereof; fixing the term of